

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0648-01  
Bill No.: HB 262 with SCA 1, SA 2, SA 3, SA 1 to SA 4, SA 4 as Amended  
Subject: Education, Elementary and Secondary: Student Records; Children and Minors;  
Elections; Secretary of State  
Type: Original  
Date: May 15, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

## FISCAL ANALYSIS

### ASSUMPTION

#### *Privacy of Student Records*

Officials from the **Department of Social Services** and **Office of Prosecution Services** assume the proposal would result in no fiscal impact to the agencies

Officials from the **Department of Elementary and Secondary Education (DESE)** and the **Coordinating Board of Higher Education (CBHE)** assume the proposal would result in no fiscal impact to CBHE, DESE or public school districts.

#### *Urban School Districts*

Officials with the **Office of the Secretary of State–Elections Division** assume the provision regarding the terms of school board members in districts designated as urban districts as a result of the 2000 census will have no impact to the office. Officials with the **Department of Elementary & Secondary Education** indicate the proposal would have no impact to the Department, but expect that two school districts (Columbia & Lee's Summit) could incur insignificant costs as a result of bearing a portion of the general municipal election costs every other year.

#### *Marriage Licenses/Same Sex Marriages*

Officials from the **Department of Health, Office of State Courts Administrator, Department of Social Services, St. Louis County Circuit Clerk, and Cape Girardeau Circuit Clerk** stated the proposed legislation would not fiscally impact their organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

## DESCRIPTION

### PRIVACY OF STUDENT RECORDS - Sections 160.067 and 610.033

This proposal would require school districts to restrict access to personally identifiable student records to authorized school district employees and persons otherwise authorized by state law or certain federal regulations. The records would be made available to persons not employed by the district only upon written authorization from the parent or student over 18 years of age or in response to a subpoena. The bill does not apply to records relating to the reporting requirements imposed on juvenile officers (167.115, RSMo) or principals, teachers, and school employees (167.117, RSMo), or the reports required by a school district's disciplinary policy pursuant to 160.261, RSMo.

This proposal also provides that in addition to the restrictions on the release of education records provided by the federal Family Educational Rights and Privacy Act, an institution of higher education may, without subpoena or court order, disclose to a parent or legal guardian of a student information regarding a violation of any federal, state or local law or rule, or any rule or policy of such institution, regardless of whether such information is contained in the student's education records. Information may be released only if (a) the student is under the age of twenty-one at the time of disclosure; (b) the institution has determined that the student committed a disciplinary violation; and (c) either the student demonstrates that he or she is not financially dependant on his or her parent or legal guardian as defined in Section 152 of the federal Internal Revenue Code of 1954 or the student has signed and filed with the institution a consent form permitting such disclosure.

### URBAN SCHOOL DISTRICTS/SCHOOL BOARDS - Section 162.481

Exempts Columbia 93 School District and Lee's Summit R-VII from a change in school board term otherwise required pursuant to section 162.481, RSMo, upon becoming an "urban school district" as defined in section 160.011, RSMo.

A "seven-director school district" shall also be an "urban school district" if it contains all or the greater part of a city with a population in excess of 70,000 persons. Both Columbia (2000 pop. of 84,531) and Lee's Summit (2000 pop. of 70,700) have reached the minimum population threshold by reason of the 2000 federal decennial census (figures were announced in March 2001), and the designation shall become effective for the coming school year.

Under the bill, the school board terms for Columbia and Lee's Summit district shall remain at three years, rather than increasing to six years, as provided for districts which become "urban". Similar language was previously enacted for Springfield, to allow for three-year board member terms.

DESCRIPTION (Continued)

MARRIAGE LICENSES/SAME SEX MARRIAGE - Sections 451.022 and 451.040

This section of the legislation clarifies that a person who does not have a Social Security number may obtain a marriage license as long as the person signs a statement that he or she does not have a Social Security number.

This legislation also provides that the public policy of this state is to recognize marriage only between a man and woman. Any purported marriage between people of the same sex is invalid and will not be recognized, even if valid where contracted.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. The proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Social Services  
Office of Prosecution Services  
Coordinating Board of Higher Education  
Office of Secretary of State  
Elections  
Office of Courts Administrator  
Department of Health  
Cape Girardeau County Recorder of Deeds  
St Louis County Recorder of Deeds



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Director  
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